

REMARKS

Reexamination and reconsideration of this application, as amended, is respectfully requested. Claims 1-32 remain in the application.

Applicant believes there is no additional charge for this response as no new claims have been added.

Response to the 35 U.S.C. § 102(e) Rejection

The Final Office Action rejects claims 1, 5, 7-9, 12-22 and 24-32 under 35 U.S.C. § 102(a) as being anticipated by Nomura et al. (US 5,881,299). Applicant respectfully traverses this rejection in view of the remarks that follow.

As is well-established, in order to successfully assert a *prima facie* case of anticipation, the Examiner must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. Therefore, if even one element or limitation is missing from the cited document, the Examiner has not succeeded in making a *prima facie* case.

Applicants begin with claim 1. Claim 1 specifically recites:

"1. In an information device having a CPU, display controller and a display panel, said display panel split logically into sub-panels, an apparatus comprising:

a plurality of segment drivers coupled between said display panel and said display controller, said segment drivers receiving input data from said controller, said segment drivers translating said data into pixels displayable on said display panel; and

a power control block coupled to said CPU and to said segment drivers to disable a first power source which powers down a first set of said segment drivers, said powering down disabling a first set of sub-panels of said display panel from outputting pixels, said power control block disabling said first power source upon receiving a

command from said CPU that said first set of sub-panels are to be powered down, said information device functioning

as one of a cellular communications device and a personal digital assistant, said first set of sub-panels displaying information relevant to said personal digital assistant function, further wherein said display panel includes a second set of sub-panels displaying information relevant to said cellular communications function."

It is respectfully asserted that, as one example, Nomura et al. fails to meet either expressly or inherently a "first set of sub-panels displaying information relevant to said personal digital assistant function."

Nomura et al. does not contain any express teaching or suggestion of "Personal Digital Assistant" as recited in claim 1.

Applicant has searched the entire text of the relied upon document and respectfully submits that Nomura et al. does not contain any recital of "Personal digital assistant." "digital assistant," or even "assistant." Instead, Applicant would kindly point out that Nomura only contains one occurrence of the word "personal" at column 3, line 36. However, and more significantly, Nomura et al. uses the term personal in describing the device of figure 1 as a **Personal handy phone system.** (emphasis added). Thus, Applicants would like to respectfully point out that Nomura et al. does not contain any express teaching of a "personal digital assistant." Rather, Nomura et al. refers to the device of figure one as a personal or wireless phone.

Again, Applicant would like to kindly point out that Applicant's claim 1 recites both a cellular communications device and a personal digital assistant. Accordingly, Applicant respectfully submits that Normura et al. cannot anticipate

Applicant's claim 1 as it does not contain any teaching or suggestion of at least one feature of claim 1.

Nomura et al. cannot inherently teach or suggest a "Personal Digital Assistant" and "a cellular communications device"

The Court of Appeals for the Federal Circuit has made clear what the requirements are for an Examiner to establish that a feature recited in a claim is **inherent** in a relied upon document. The Court of Appeals for the Federal Circuit has stated repeatedly, that Inherency "may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *948 F.2d at 1269, 20 USPQ2d at 1749* (quoting *In re Oelrich, 666 F.2d 578, 581, 212 USPQ 323, 326 (CCPA 1981)*). The Final Office Action must establish that a feature must necessarily result and be recognized by one skilled in the art.

Normura et al. refers to the device shown in figure 1 only as a personal handy phone system. As explained above, Normura et al. does not contain any teaching or suggestion of a personal digital assistant. Accordingly, Applicant respectfully submits that Normura et al. cannot inherently teach or suggest at least one feature of Applicant's claim 1 because it expressly teaches that the device of figure 1 is just a phone system.

In addition, Applicant would also like to point out that the Final Office Action is improper as, at a minimum, it does not provide a prima facie showing as to why one skilled in the art that the feature **MUST NECESSARILY** result from the teaching of Normura et al. Accordingly, at a minimum Applicant traverse the rejection as a prima facie showing has not been made.

Nomura et al. cannot inherently teach a "personal digital assistant" as this contrary to the express teaching of Normura et al.

The CAFC has also establish that a feature may not be inherent if the feature is not consistent with the express teachings of the relied upon document. For example, the Court of Appeals for the Federal Circuit recently reversed an Examiner's rejection that was based in part on inherency. See, In re Frank S. Glaug, 2002 U.S. App Lexis 4246 (Fed Cir. 2002).

In the present case, Applicant would like to point out that Nomura et al. clearly teaches that both portions of a display are used to display information related to a cellular phone. For example, Nomura et al. states at column 5, line 35, that the residual amount of battery power of the personal handy phone system (PHS) is displayed in area 1. (emphasis added) In addition, Nomura et al. states at column 5, line 63-64, that display area 2 is used to display information such as a telephone book to be used for initiating a phone call with the PHS. Thus, Normura et al. expressly teaches that both display areas are information from the one and only function described – a personal phone.

Accordingly, Applicant respectfully points out that Normura et al. cannot inherently teach or suggest at least one feature of Applicant's claim 1 because such a feature is inconsistent with the express teachings of Normura et al.

Nomura et al. does not contain any teaching or even suggestion of a multi-functional device

Applicant also respectfully submits that Nomura et al. cannot anticipate Applicant's invention as Normura et al. does not contain any teaching or suggestion of a "multi-functional" device that includes at least a personal digital assistant and a cellular communication device. Applicant has reviewed the entire text of Nomura et al. and respectfully submits that it does not contain any suggestion of a "multi-functional" device. Rather, Nomura et al. repeatedly, and

consistently, refers to the device of figure 1 as a personal handy phone system. Nowhere does Nomura et al. suggest that the device does more than that.

Applicant respectfully submits that Nomura et al. clearly teaches that both portions of a display are used to display information related to a cellular phone. Moreover, Nomura et al. does not teach or suggest that any portion of the display is used to display information for a personal digital assistant. For example, Nomura et al. states at column 5, line 35, that the residual amount of batter power of the personal handy phone system (PHS) is displayed in area 1. In addition, Nomura et al. states at column 5, line 63-64, that display area 2 is used to display information such as a telephone book to be used for initiating a phone call with the PHS. Most importantly, the relied upon portions of Nomura et al. do not contain any teaching or suggestion that area 1 or area 2 are used to display information of a personal digital assistant.

Accordingly, Nomura et al. cannot anticipate Applicants' claim 1 since Normura et al. does not teach a "m ulti-functional" device. Therefore, at a minimum, Normura et al cannot teach or suggest a device that has both a personal digital assistant AND a cellular communications device.

The Final Office Action did not demonstrate how Noruma et al. teaches a "personal digital assistant."

Applicant would also like to kindly submit that the Final Office Action has mischaracterized or misunderstood the teachings of Noruma et al. In particular, paragraph 18, line 3, of the Final Office Action states that Normura et al. teaches a personal digital assistant function based on what is shown in figure 4, Area 2 of Normura et al. However, Applicant respectfully submits that figure 4 Normura et al. does not and cannot teach this feature.

To begin, Normura et al. does not expressly teach or suggest this feature as explained above. The characterization of the device of figure 4 as a personal digital assistant is the language of the Final Office Action, not that of Normura et al. Moreover, Normura et al. expressly refers to the device shown in figure 1 as a **Personal handy phone system** (see column 3, line 35.) In addition, Normura et al. expressly states that figure 4 is simply another view of the device shown in figure 1 (see column 3, lines 1-2). Accordingly, Applicant traverses the rejection as the characterization of the device shown in figure 1 or 4 of Normura et al. inaccurate and is not supported by the teaching of Normura et al.

Therefore, Normura et al. cannot anticipate at least one feature of Applicant's claim 1. Since claims 2-4 depend from independent claim 1, they are not anticipated for at least the same reason.

Similarly, independent claims 5, 7, 12, and 19 recite, among other things, that a portion of a display is used to display information associated with a personal digital assistant or a computing module. Further claim 28 recites, among other things, displaying information related to a wireless communication module on one portion of a display and displaying information on a second portion of the display related to a computing platform. These features are neither taught nor suggested by Normura et al., and thus, Normura et al cannot anticipate these claims or the claims that depend from them for at least this reason.

Additional arguments to distinguish the cited patent from claims 1-32 could have been made, but it is believed that the foregoing discussion is sufficient to overcome the Examiner's rejection.

Response to the 35 U.S.C. §103(a) Rejection

The Final Office Action also rejects claims 2-4, 6, 10, 11, and 23 under 35 U.S.C. §103(a) as being unpatentable over Normura et al. in view of Britz (US

5,414,444) and Imai et al. (Des 377341). Applicant respectfully traverses this rejection in view of the remarks that follow.

1) THE INDEPENDENT CLAIMS INCLUDE LIMITATIONS THAT ARE NOT TAUGHT OR SUGGESTED BY THE COMBINATION OF NOMURA ET AL., BRITZ AND IMAI ET AL.

It is well established that obviousness requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Without conceding the appropriateness of the combination, Applicant respectfully submits that the proposed combination does not meet the requirements of an obvious rejection in that none of the documents teaches or suggests a personal digital assistant function.

Applicant would like to point out that claim 10 recites, among other things, that one portion of a display displays information for a cellular communication device and another portion display information of a personal digital assistant function.

As discussed above, Nomura et al. does not and cannot teach or suggest this feature. Further, Applicant respectfully submits that Britz discloses a personal communicator (see column 2, lines 9-10) and Imai et al. illustrates a portable communication terminal. Moreover neither teaches nor suggests that one portion of a display displays information for a cellular communication device and another portion display information of a personal digital assistant function.

Since each patent, taken separately, is devoid of any teaching or suggestion of the limitations recited in claim 10, the combination must necessarily be devoid of the required teaching or suggestion of all the elements recited in claim 10.

Consequently, the combination cannot make Applicant's claim 10 obvious. Since the remaining claims depend from claims that recite limitations that cannot be obvious in view of the combination, these claims are allowable over the cited patents for at least the same reason.

Applicant would like to emphasize that the preceding paragraphs were not intended to attack the documents separately. But instead, Applicant has shown how each is devoid of claimed elements so that, by default, the combination is also devoid of at least some of the features of Applicant's claimed invention.

PATENT APPLICATION

042390.P3581R

Conclusion


The foregoing is submitted as a full and complete response to the Final Office Action mailed December 18, 2002, and it is submitted that claims 1-32 are in condition for allowance. Reconsideration of the rejection is requested. Allowance of claims 1-32 is earnestly solicited.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666.

If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (480) 554-9732 is respectfully solicited.

Respectfully submitted,

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Dated: 4-24-03

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